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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **OAKLAND DIVISION**  
12

13 NICK V. LUJAN, JAMES A. CHARLES, and  
14 BARBARA C. WRIGHT, individually and on  
behalf of all others similarly situated,  
15

16 Plaintiffs,

17 v.

18 NEW YORK LIFE INSURANCE  
COMPANY a New York corporation, and  
19 NEW YORK LIFE INSURANCE AND  
ANNUITY CORPORATION, a Delaware  
corporation,  
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21 Defendants.  
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Case No. 4:16-cv-00913-JSW

**STIPULATION TO SET BRIEFING  
SCHEDULE FOR MOTION TO DISMISS  
COMPLAINT (L.R. 6-1(b), 6-2)**  
AND ORDER THEREON

Pursuant to Local Rules 6-1(b) and 6-2, Plaintiffs Nick V. Lujan, James A. Charles, and Barbara C. Wright (collectively, “Plaintiffs”) and Defendants New York Life Insurance Company and New York Life Insurance and Annuity Corporation (collectively, “Defendants”) hereby respectfully stipulate and jointly request that the Court modify the briefing schedule as to Defendants’ planned motion to dismiss the Complaint filed by Plaintiffs.

### RECITALS

1. Plaintiffs’ Complaint was originally filed in the Superior Court for the State of California for the County of Contra Costa, but was removed to this Court on February 24, 2016. Dkt. 1.

2. Defendants intend to move to dismiss Plaintiffs’ Complaint under Rule 12 of the Federal Rules of Civil Procedure. Defendants’ response to the Complaint would otherwise be due on March 2, 2016. Given the complexity of the issues raised by the Complaint and to be addressed in Defendants’ anticipated motion to dismiss, the parties agree that the below schedule for briefing and hearing on the motion is warranted.

3. There have not been any previous time modifications in the case.

4. This requested time modification does not impact on any other aspects of the schedule for the case, or any dates set by the Court.

5. Pursuant to the foregoing, Plaintiffs and Defendants hereby stipulate and agree to the following modification and request the Court’s approval of their stipulation to the proposed briefing schedule as follows:

<b>Event</b>	<b>Previous Date</b>	<b>Stipulated/Requested New Date</b>
Last day for Defendants to file a motion to dismiss the Complaint	3/2/16	3/22/16
Last day for Plaintiffs to file an opposition	n/a	4/05/16
Last day for Defendants to file a reply	n/a	4/15/16
Hearing on Defendants’ motion to dismiss the Complaint	n/a	4/29/16

1 DATED: February 26, 2016

DENTONS US LLP

2  
3 By: /s/ Andrew S. Azarmi

4 Laura Leigh Geist

5 Andrew S. Azarmi

6 Attorneys for Defendants New York Life Insurance  
7 Company and New York Life Insurance and  
8 Annuity Corporation

9 DATED: February 26, 2016

10 BRAMSON, PLUTZIK, MAHLER &  
11 BIRKHAEUSER LLP

12 By: /s/ Robert M. Bramson

13 Robert M. Bramson

14 Attorneys for Plaintiffs Nick V. Lujan, James A.  
15 Charles, and Barbara C. Wright

16 **CERTIFICATION**

17 Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained  
18 concurrence regarding the filing of this document from the indicated signatories to the document.

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20 Dated: <sup>March 1</sup>~~February~~ \_\_\_, 2016

21   
22 Honorable Jeffrey S. White  
23 United States District Judge  
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